

1
2 An act relating to transportation; amending s.
3 20.23, F.S.; authorizing the secretary of the
4 department to appoint an additional assistant
5 secretary and deputy assistant secretaries or
6 directors; revising the organization of the
7 department to specify areas of program
8 responsibility; authorizing the secretary to
9 reorganize offices within the department in
10 consultation with the Executive Office of the
11 Governor; amending s. 110.205, F.S., relating
12 to career service; conforming provisions to
13 changes made by the act; amending 177.031,
14 F.S.; providing that encasement in concrete is
15 optional for survey markers made of certain
16 materials; amending s. 339.175, F.S.; revising
17 planning procedures of metropolitan planning
18 organizations; requiring development of plans
19 and programs that identify transportation
20 facilities that should function as an
21 integrated metropolitan planning system;
22 requiring that the approved list of project
23 priorities include projects on the Strategic
24 Intermodal System; amending s. 338.251, F.S.;
25 authorizing the Emerald Coast Bridge Authority
26 to revise the repayment schedule of any
27 previous advances for funds from the Toll
28 Facilities Revolving Trust Fund within the
29 department; providing that such repayment
30 schedule is not a failure to repay under
31 certain conditions; amending s. 334.30, F.S.;

1 revising provisions for public-private
2 construction of transportation facilities;
3 providing procedures for requests for proposals
4 and receipt of unsolicited proposals by the
5 department; providing for use of certain funds
6 under described conditions; amending s.
7 338.001, F.S., relating to the Florida
8 Intrastate Highway System Plan; establishing a
9 minimum annual allocation; amending s. 339.08,
10 F.S.; revising provisions for use of moneys in
11 the State Transportation Trust Fund; providing
12 for use of such funds for projects on the
13 Strategic Intermodal System; amending s.
14 339.135, F.S.; revising provisions for use of
15 new discretionary highway capacity funds;
16 providing for allocation of such funds to the
17 Strategic Intermodal System; repealing s.
18 339.137, F.S., relating to the Transportation
19 Outreach Program; amending s. 339.1371, F.S.;
20 removing provisions to fund the Transportation
21 Outreach Program; adding provisions to fund the
22 Florida Strategic Intermodal System; amending
23 s. 339.61, F.S., relating to the Florida
24 Strategic Intermodal System; establishing a
25 minimum annual allocation; amending s. 337.401,
26 F.S.; providing that a permit-delegation
27 agreement between the Department of
28 Transportation and a governmental entity does
29 not apply to facilities of electric utilities;
30 amending s. 95.361, F.S.; providing that
31 provisions governing the circumstances under

1 which a road is deemed to be dedicated to the
2 public do not apply to a electric utility
3 facility located on property otherwise subject
4 to those provisions; amending s. 341.8203,
5 F.S.; redefining the terms "authority" and
6 "high-speed rail system"; amending s. 341.840,
7 F.S.; revising the tax exemption of the
8 authority and its agents and contractors;
9 providing for annual redetermination of
10 eligibility for exemption; providing for
11 recapture of taxes when an exemption is used
12 inappropriately; providing for rules; amending
13 ss. 343.71, 343.72, 343.73, and 343.74, F.S.,
14 relating to the Tampa Bay Commuter Rail
15 Authority Act; redesignating the authority as
16 the "Tampa Bay Commuter Transit Authority";
17 adding representatives of Manatee and Sarasota
18 Counties to the board of authority; including
19 Manatee and Sarasota Counties within the
20 jurisdiction of the authority; amending s. 3 of
21 chapter 88-474, Laws of Florida, as amended,
22 relating to the Greater Orlando Aviation
23 Authority; providing the mayor of Orlando, and
24 chair of the Orange County Commission shall be
25 members of the authority; amending s. 337.408,
26 F.S.; providing for placement of certain
27 modular news racks, including advertising
28 thereon, within the right-of-way limits of any
29 municipal, county, or state road; providing
30 requirements, restrictions, and limitations;
31 authorizing removal under certain

1 | circumstances; authorizing the department to
2 | adopt rules; repealing s. 348.0004(2)(m), F.S.,
3 | relating to an obsolete provision authorizing
4 | expressway authorities to enter into
5 | public-private transportation partnerships;
6 | amending s. 348.0004, F.S.; creating a new
7 | process for expressway authorities to enter
8 | into public-private partnerships with private
9 | entities; directing the expressway authorities
10 | to adopt rules related to the public-private
11 | partnerships; specifying public notice
12 | requirements; specifying that public-private
13 | entities may impose tolls on the new
14 | facilities, but the expressway authority may
15 | regulate the amount and use of such tolls;
16 | providing that the Department of Transportation
17 | may loan funds from the Toll Facilities
18 | Revolving Loan Trust Fund for eligible
19 | projects; specifying project requirements;
20 | authorizing an expressway authority to exercise
21 | certain powers to facilitate the partnership
22 | projects; providing that intent of the act is
23 | not to amend or impact other existing laws;
24 | amending s. 2 of chapter 88-418, Laws of
25 | Florida, as amended, relating to Crandon
26 | Boulevard; allowing expenditure of public funds
27 | for certain modifications to enhance life
28 | safety vehicular or pedestrian use under
29 | certain circumstances; providing an effective
30 | date.
31 |

1 Be It Enacted by the Legislature of the State of Florida:

2

3 Section 1. Paragraph (d) of subsection (1), subsection
4 (3), and paragraph (b) of subsection (4) of section 20.23,
5 Florida Statutes, are amended to read:

6 20.23 Department of Transportation.--There is created
7 a Department of Transportation which shall be a decentralized
8 agency.

9 (1)

10 (d) The secretary ~~may shall~~ appoint up to three two
11 assistant secretaries who shall be directly responsible to the
12 secretary and who shall perform such duties as are assigned by
13 the secretary. The secretary may delegate to any assistant
14 secretary the authority to act in the absence of the
15 secretary.

16 (3)(a) The central office shall establish departmental
17 policies, rules, procedures, and standards and shall monitor
18 the implementation of such policies, rules, procedures, and
19 standards in order to ensure uniform compliance and quality
20 performance by the districts and central office units that
21 implement transportation programs. Major transportation
22 policy initiatives or revisions shall be submitted to the
23 commission for review.

24 ~~(b) The secretary shall appoint an Assistant Secretary~~
25 ~~for Transportation Development and Operations and an Assistant~~
26 ~~Secretary for Transportation Support.~~

27 ~~(b)(c)~~ The secretary may appoint positions at the
28 level of deputy assistant secretary or director which the
29 secretary deems necessary to accomplish the mission and goals
30 of the department, including, but not limited to, the areas of
31 program responsibility provided in this paragraph following

1 ~~offices are established and shall be headed by a manager, each~~
2 ~~of whom shall be appointed by and serve at the pleasure of the~~
3 ~~secretary. The secretary may combine, separate, or delete~~
4 ~~offices as needed in consultation with the Executive Office of~~
5 ~~the Governor. The department's areas of program responsibility~~
6 ~~include, but are not limited to ~~positions shall be classified~~~~
7 ~~at a level equal to a division director:~~

- 8 1. ~~The Office of Administration;~~
- 9 2. ~~The Office of Planning and Environmental~~
10 ~~Management;~~
- 11 3. Public transportation;
- 12 4.3. ~~The Office of Design;~~
- 13 5.4. ~~The Office of Highway operations;~~
- 14 6.5. ~~The Office of Right-of-way;~~
- 15 7.6. ~~The Office of Toll operations;~~
- 16 8.7. ~~The Office of Information systems;~~
- 17 9.8. ~~The Office of Motor carrier compliance;~~
- 18 10.9. ~~The Office of Management and budget;~~
- 19 11.10. ~~The Office of Comptroller;~~
- 20 12.11. ~~The Office of Construction;~~
- 21 13.12. ~~The Office of Maintenance; and~~
- 22 14.13. ~~The Office of Materials.~~

23 ~~(c)(d)~~ Other offices may be established in accordance
24 with s. 20.04(7). The heads of such offices are exempt from
25 part II of chapter 110. ~~No office or organization shall be~~
26 ~~created at a level equal to or higher than a division without~~
27 ~~specific legislative authority.~~

28 ~~(d)(e)~~ The secretary shall appoint an inspector
29 general pursuant to s. 20.055 who shall be directly
30 responsible to the secretary and shall serve at the pleasure
31 of the secretary.

1 ~~(e)(f)~~ The secretary shall appoint a general counsel
2 who shall be directly responsible to the secretary. The
3 general counsel is responsible for all legal matters of the
4 department. The department may employ as many attorneys as it
5 deems necessary to advise and represent the department in all
6 transportation matters.

7 ~~(g)~~ The secretary shall appoint a state transportation
8 development administrator. This position shall be classified
9 at a level equal to a deputy assistant secretary.

10 ~~(h)~~ The secretary shall appoint a state transportation
11 operations administrator. This position shall be classified at
12 a level equal to a deputy assistant secretary.

13 ~~(i)~~ The secretary shall appoint a state public
14 transportation and modal administrator. This position shall be
15 classified at a level equal to a deputy assistant secretary.

16 (4)

17 (b) Each district secretary may appoint up to three a
18 district directors ~~director for transportation development, a~~
19 ~~district director for transportation operations, and a~~
20 ~~district director for transportation support~~ or, until July 1,
21 2005, each district secretary may appoint up to four a
22 district directors ~~director for planning and programming, a~~
23 ~~district director for production, a district director for~~
24 ~~operations, and a district director for administration.~~ These
25 positions are exempt from part II of chapter 110.

26 Section 2. Paragraphs (j) and (m) of subsection (2) of
27 section 110.205, Florida Statutes, are amended to read:

28 110.205 Career service; exemptions.--

29 (2) EXEMPT POSITIONS.--The exempt positions that are
30 not covered by this part include the following:

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1 (j) The appointed secretaries, assistant secretaries,
2 deputy secretaries, and deputy assistant secretaries of all
3 departments; the executive directors, assistant executive
4 directors, deputy executive directors, and deputy assistant
5 executive directors of all departments; the directors of all
6 divisions and those positions determined by the department to
7 have managerial responsibilities comparable to such positions,
8 which positions include, but are not limited to, program
9 directors, assistant program directors, district
10 administrators, deputy district administrators, the Director
11 of Central Operations Services of the Department of Children
12 and Family Services, the State Transportation Development
13 Administrator, State Public Transportation and Modal
14 Administrator, district secretaries, district directors of
15 transportation development, transportation operations,
16 transportation support, and the managers of the offices
17 specified in s. 20.23(3)(b) ~~s. 20.23(3)(c)~~, of the Department
18 of Transportation. Unless otherwise fixed by law, the
19 department shall set the salary and benefits of these
20 positions in accordance with the rules of the Senior
21 Management Service; and the county health department directors
22 and county health department administrators of the Department
23 of Health.

24 (m) All assistant division director, deputy division
25 director, and bureau chief positions in any department, and
26 those positions determined by the department to have
27 managerial responsibilities comparable to such positions,
28 which positions include, but are not limited to:

29 1. Positions in the Department of Health and the
30 Department of Children and Family Services that are assigned
31

1 primary duties of serving as the superintendent or assistant
2 superintendent of an institution.

3 2. Positions in the Department of Corrections that are
4 assigned primary duties of serving as the warden, assistant
5 warden, colonel, or major of an institution or that are
6 assigned primary duties of serving as the circuit
7 administrator or deputy circuit administrator.

8 3. Positions in the Department of Transportation that
9 are assigned primary duties of serving as regional toll
10 managers and managers of offices as defined in s. 20.23(3)(b)
11 ~~s. 20.23(3)(c)~~ and (4)(d), and captains and majors of the
12 Office of Motor Carrier Compliance.

13 4. Positions in the Department of Environmental
14 Protection that are assigned the duty of an Environmental
15 Administrator or program administrator.

16 5. Positions in the Department of Health that are
17 assigned the duties of Environmental Administrator, Assistant
18 County Health Department Director, and County Health
19 Department Financial Administrator.

20
21 Unless otherwise fixed by law, the department shall set the
22 salary and benefits of the positions listed in this paragraph
23 in accordance with the rules established for the Selected
24 Exempt Service.

25 Section 3. Subsections (13) and (15), of section
26 177.031, Florida Statutes, are amended to read:

27 177.031 Definitions.--As used in this part:

28 (13) "P.C.P." means permanent control point and shall
29 be considered a reference monument.

30 (a) "P.C.P.s" set in impervious surfaces must:

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- 1 1. Be composed of a metal marker with a point of
2 reference.
- 3 2. Have a metal cap or disk bearing either the Florida
4 registration number of the professional surveyor and mapper in
5 responsible charge or the certificate of authorization number
6 of the legal entity, which number shall be preceded by LS or
7 LB as applicable and the letters "P.C.P."
- 8 (b) "P.C.P.s" set in pervious surfaces must:
- 9 1. Consist of a metal rod having a minimum length of
10 18 inches and a minimum cross-section area of material of 0.2
11 square inches In certain materials, encasement in concrete is
12 optional for stability of the rod. When used, encased in
13 ~~concrete.~~ the concrete shall have a minimum cross-section area
14 of 12.25 square inches and be a minimum of 24 inches long.
- 15 2. Be identified with a durable marker or cap with the
16 point of reference marked thereon bearing either the Florida
17 registration number of the professional surveyor and mapper in
18 responsible charge or the certificate of authorization number
19 of the legal entity, which number shall be preceded by LS or
20 LB as applicable and the letters "P.C.P."
- 21 (c) "P.C.P.s" must be detectable with conventional
22 instruments for locating ferrous or magnetic objects.
- 23 (15) "P.R.M." means a permanent reference monument
24 which must:
- 25 (a) Consist of a metal rod having a minimum length of
26 18 inches and a minimum cross-section area of material of 0.2
27 square inches In certain materials, encasement in concrete is
28 optional for stability of the rod. When used, encased in
29 ~~concrete.~~ the concrete shall have a minimum cross-section area
30 of 12.25 square inches and be a minimum of 24 inches long.
31

1 (b) Be identified with a durable marker or cap with
2 the point of reference marked thereon bearing either the
3 Florida registration number of the professional surveyor and
4 mapper in responsible charge or the certificate of
5 authorization number of the legal entity, which number shall
6 be preceded by LS or LB as applicable and the letters "P.R.M."

7 (c) Be detectable with conventional instruments for
8 locating ferrous or magnetic objects.

9
10 If the location of the "P.R.M." falls in a hard surface such
11 as asphalt or concrete, alternate monumentation may be used
12 that is durable and identifiable.

13 Section 4. Section 339.175, Florida Statutes, is
14 amended to read:

15 339.175 Metropolitan planning organization.--It is the
16 intent of the Legislature to encourage and promote the safe
17 and efficient management, operation, and development of
18 surface transportation systems that will serve the mobility
19 needs of people and freight within and through urbanized areas
20 of this state while minimizing transportation-related fuel
21 consumption and air pollution. To accomplish these objectives,
22 metropolitan planning organizations, referred to in this
23 section as M.P.O.'s, shall develop, in cooperation with the
24 state and public transit operators, transportation plans and
25 programs for metropolitan areas. The plans and programs for
26 each metropolitan area must provide for the development and
27 integrated management and operation of transportation systems
28 and facilities, including pedestrian walkways and bicycle
29 transportation facilities that will function as an intermodal
30 transportation system for the metropolitan area, based upon
31 the prevailing principles provided in s. 334.046(1). The

1 process for developing such plans and programs shall provide
2 for consideration of all modes of transportation and shall be
3 continuing, cooperative, and comprehensive, to the degree
4 appropriate, based on the complexity of the transportation
5 problems to be addressed. To ensure that the process is
6 integrated with the statewide planning process, M.P.O.'s shall
7 develop plans and programs that identify transportation
8 facilities that should function as an integrated metropolitan
9 transportation system, giving emphasis to facilities that
10 serve important national, state, and regional transportation
11 functions. For the purposes of this section, those facilities
12 include the facilities on the Strategic Intermodal System
13 designated under s. 339.63.

14 (1) DESIGNATION.--

15 (a)1. An M.P.O. shall be designated for each urbanized
16 area of the state; however, this does not require that an
17 individual M.P.O. be designated for each such area. Such
18 designation shall be accomplished by agreement between the
19 Governor and units of general-purpose local government
20 representing at least 75 percent of the population of the
21 urbanized area; however, the unit of general-purpose local
22 government that represents the central city or cities within
23 the M.P.O. jurisdiction, as defined by the United States
24 Bureau of the Census, must be a party to such agreement.

25 2. More than one M.P.O. may be designated within an
26 existing metropolitan planning area only if the Governor and
27 the existing M.P.O. determine that the size and complexity of
28 the existing metropolitan planning area makes the designation
29 of more than one M.P.O. for the area appropriate.

30 (b) Each M.P.O. shall be created and operated under
31 the provisions of this section pursuant to an interlocal

1 agreement entered into pursuant to s. 163.01. The signatories
2 to the interlocal agreement shall be the department and the
3 governmental entities designated by the Governor for
4 membership on the M.P.O. If there is a conflict between this
5 section and s. 163.01, this section prevails.

6 (c) The jurisdictional boundaries of an M.P.O. shall
7 be determined by agreement between the Governor and the
8 applicable M.P.O. The boundaries must include at least the
9 metropolitan planning area, which is the existing urbanized
10 area and the contiguous area expected to become urbanized
11 within a 20-year forecast period, and may encompass the entire
12 metropolitan statistical area or the consolidated metropolitan
13 statistical area.

14 (d) In the case of an urbanized area designated as a
15 nonattainment area for ozone or carbon monoxide under the
16 Clean Air Act, 42 U.S.C. ss. 7401 et seq., the boundaries of
17 the metropolitan planning area in existence as of the date of
18 enactment of this paragraph shall be retained, except that the
19 boundaries may be adjusted by agreement of the Governor and
20 affected metropolitan planning organizations in the manner
21 described in this section. If more than one M.P.O. has
22 authority within a metropolitan area or an area that is
23 designated as a nonattainment area, each M.P.O. shall consult
24 with other M.P.O.'s designated for such area and with the
25 state in the coordination of plans and programs required by
26 this section.

27
28 Each M.P.O. required under this section must be fully
29 operative no later than 6 months following its designation.

30 (2) VOTING MEMBERSHIP.--
31

1 (a) The voting membership of an M.P.O. shall consist
2 of not fewer than 5 or more than 19 apportioned members, the
3 exact number to be determined on an equitable
4 geographic-population ratio basis by the Governor, based on an
5 agreement among the affected units of general-purpose local
6 government as required by federal rules and regulations. The
7 Governor, in accordance with 23 U.S.C. s. 134, may also
8 provide for M.P.O. members who represent municipalities to
9 alternate with representatives from other municipalities
10 within the metropolitan planning area that do not have members
11 on the M.P.O. County commission members shall compose not less
12 than one-third of the M.P.O. membership, except for an M.P.O.
13 with more than 15 members located in a county with a
14 five-member county commission or an M.P.O. with 19 members
15 located in a county with no more than 6 county commissioners,
16 in which case county commission members may compose less than
17 one-third percent of the M.P.O. membership, but all county
18 commissioners must be members. All voting members shall be
19 elected officials of general-purpose governments, except that
20 an M.P.O. may include, as part of its apportioned voting
21 members, a member of a statutorily authorized planning board,
22 an official of an agency that operates or administers a major
23 mode of transportation, or an official of the Florida Space
24 Authority. The county commission shall compose not less than
25 20 percent of the M.P.O. membership if an official of an
26 agency that operates or administers a major mode of
27 transportation has been appointed to an M.P.O.

28 (b) In metropolitan areas in which authorities or
29 other agencies have been or may be created by law to perform
30 transportation functions and are performing transportation
31 functions that are not under the jurisdiction of a general

1 | purpose local government represented on the M.P.O., they shall
2 | be provided voting membership on the M.P.O. In all other
3 | M.P.O.'s where transportation authorities or agencies are to
4 | be represented by elected officials from general purpose local
5 | governments, the M.P.O. shall establish a process by which the
6 | collective interests of such authorities or other agencies are
7 | expressed and conveyed.

8 | (c) Any other provision of this section to the
9 | contrary notwithstanding, a chartered county with over 1
10 | million population may elect to reapportion the membership of
11 | an M.P.O. whose jurisdiction is wholly within the county. The
12 | charter county may exercise the provisions of this paragraph
13 | if:

14 | 1. The M.P.O. approves the reapportionment plan by a
15 | three-fourths vote of its membership;

16 | 2. The M.P.O. and the charter county determine that
17 | the reapportionment plan is needed to fulfill specific goals
18 | and policies applicable to that metropolitan planning area;
19 | and

20 | 3. The charter county determines the reapportionment
21 | plan otherwise complies with all federal requirements
22 | pertaining to M.P.O. membership.

23 |
24 | Any charter county that elects to exercise the provisions of
25 | this paragraph shall notify the Governor in writing.

26 | (d) Any other provision of this section to the
27 | contrary notwithstanding, any county chartered under s. 6(e),
28 | Art. VIII of the State Constitution may elect to have its
29 | county commission serve as the M.P.O., if the M.P.O.
30 | jurisdiction is wholly contained within the county. Any
31 | charter county that elects to exercise the provisions of this

1 paragraph shall so notify the Governor in writing. Upon
2 receipt of such notification, the Governor must designate the
3 county commission as the M.P.O. The Governor must appoint
4 four additional voting members to the M.P.O., one of whom must
5 be an elected official representing a municipality within the
6 county, one of whom must be an expressway authority member,
7 one of whom must be a person who does not hold elected public
8 office and who resides in the unincorporated portion of the
9 county, and one of whom must be a school board member.

10 (3) APPORTIONMENT.--

11 (a) The Governor shall, with the agreement of the
12 affected units of general-purpose local government as required
13 by federal rules and regulations, apportion the membership on
14 the applicable M.P.O. among the various governmental entities
15 within the area and shall prescribe a method for appointing
16 alternate members who may vote at any M.P.O. meeting that an
17 alternate member attends in place of a regular member. An
18 appointed alternate member must be an elected official serving
19 the same governmental entity or a general-purpose local
20 government with jurisdiction within all or part of the area
21 that the regular member serves. The governmental entity so
22 designated shall appoint the appropriate number of members to
23 the M.P.O. from eligible officials. Representatives of the
24 department shall serve as nonvoting members of the M.P.O.
25 Nonvoting advisers may be appointed by the M.P.O. as deemed
26 necessary. The Governor shall review the composition of the
27 M.P.O. membership in conjunction with the decennial census as
28 prepared by the United States Department of Commerce, Bureau
29 of the Census, and reapportion it as necessary to comply with
30 subsection (2).

31

1 (b) Except for members who represent municipalities on
2 the basis of alternating with representatives from other
3 municipalities that do not have members on the M.P.O. as
4 provided in paragraph (2)(a), the members of an M.P.O. shall
5 serve 4-year terms. Members who represent municipalities on
6 the basis of alternating with representatives from other
7 municipalities that do not have members on the M.P.O. as
8 provided in paragraph (2)(a) may serve terms of up to 4 years
9 as further provided in the interlocal agreement described in
10 paragraph (1)(b). The membership of a member who is a public
11 official automatically terminates upon the member's leaving
12 his or her elective or appointive office for any reason, or
13 may be terminated by a majority vote of the total membership
14 of a county or city governing entity represented by the
15 member. A vacancy shall be filled by the original appointing
16 entity. A member may be reappointed for one or more
17 additional 4-year terms.

18 (c) If a governmental entity fails to fill an assigned
19 appointment to an M.P.O. within 60 days after notification by
20 the Governor of its duty to appoint, that appointment shall be
21 made by the Governor from the eligible representatives of that
22 governmental entity.

23 (4) AUTHORITY AND RESPONSIBILITY.--The authority and
24 responsibility of an M.P.O. is to manage a continuing,
25 cooperative, and comprehensive transportation planning process
26 that, based upon the prevailing principles provided in s.
27 334.046(1), results in the development of plans and programs
28 which are consistent, to the maximum extent feasible, with the
29 approved local government comprehensive plans of the units of
30 local government the boundaries of which are within the
31 metropolitan area of the M.P.O. An M.P.O. shall be the forum

1 for cooperative decisionmaking by officials of the affected
2 governmental entities in the development of the plans and
3 programs required by subsections (5), (6), (7), and (8).

4 (5) POWERS, DUTIES, AND RESPONSIBILITIES.--The powers,
5 privileges, and authority of an M.P.O. are those specified in
6 this section or incorporated in an interlocal agreement
7 authorized under s. 163.01. Each M.P.O. shall perform all
8 acts required by federal or state laws or rules, now and
9 subsequently applicable, which are necessary to qualify for
10 federal aid. It is the intent of this section that each M.P.O.
11 shall be involved in the planning and programming of
12 transportation facilities, including, but not limited to,
13 airports, intercity and high-speed rail lines, seaports, and
14 intermodal facilities, to the extent permitted by state or
15 federal law.

16 (a) Each M.P.O. shall, in cooperation with the
17 department, develop:

18 1. A long-range transportation plan pursuant to the
19 requirements of subsection (6);

20 2. An annually updated transportation improvement
21 program pursuant to the requirements of subsection (7); and

22 3. An annual unified planning work program pursuant to
23 the requirements of subsection (8).

24 (b) In developing the long-range transportation plan
25 and the transportation improvement program required under
26 paragraph (a), each M.P.O. shall provide for consideration of
27 projects and strategies that will:

28 1. Support the economic vitality of the metropolitan
29 area, especially by enabling global competitiveness,
30 productivity, and efficiency;

31

- 1 2. Increase the safety and security of the
2 transportation system for motorized and nonmotorized users;
3 3. Increase the accessibility and mobility options
4 available to people and for freight;
5 4. Protect and enhance the environment, promote energy
6 conservation, and improve quality of life;
7 5. Enhance the integration and connectivity of the
8 transportation system, across and between modes, for people
9 and freight;
10 6. Promote efficient system management and operation;
11 and
12 7. Emphasize the preservation of the existing
13 transportation system.
- 14 (c) In order to provide recommendations to the
15 department and local governmental entities regarding
16 transportation plans and programs, each M.P.O. shall:
17 1. Prepare a congestion management system for the
18 metropolitan area and cooperate with the department in the
19 development of all other transportation management systems
20 required by state or federal law;
21 2. Assist the department in mapping transportation
22 planning boundaries required by state or federal law;
23 3. Assist the department in performing its duties
24 relating to access management, functional classification of
25 roads, and data collection;
26 4. Execute all agreements or certifications necessary
27 to comply with applicable state or federal law;
28 5. Represent all the jurisdictional areas within the
29 metropolitan area in the formulation of transportation plans
30 and programs required by this section; and
31

1 6. Perform all other duties required by state or
2 federal law.

3 (d) Each M.P.O. shall appoint a technical advisory
4 committee that includes planners; engineers; representatives
5 of local aviation authorities, port authorities, and public
6 transit authorities or representatives of aviation
7 departments, seaport departments, and public transit
8 departments of municipal or county governments, as applicable;
9 the school superintendent of each county within the
10 jurisdiction of the M.P.O. or the superintendent's designee;
11 and other appropriate representatives of affected local
12 governments. In addition to any other duties assigned to it by
13 the M.P.O. or by state or federal law, the technical advisory
14 committee is responsible for considering safe access to
15 schools in its review of transportation project priorities,
16 long-range transportation plans, and transportation
17 improvement programs, and shall advise the M.P.O. on such
18 matters. In addition, the technical advisory committee shall
19 coordinate its actions with local school boards and other
20 local programs and organizations within the metropolitan area
21 which participate in school safety activities, such as locally
22 established community traffic safety teams. Local school
23 boards must provide the appropriate M.P.O. with information
24 concerning future school sites and in the coordination of
25 transportation service.

26 (e)1. Each M.P.O. shall appoint a citizens' advisory
27 committee, the members of which serve at the pleasure of the
28 M.P.O. The membership on the citizens' advisory committee must
29 reflect a broad cross section of local residents with an
30 interest in the development of an efficient, safe, and
31

1 cost-effective transportation system. Minorities, the elderly,
2 and the handicapped must be adequately represented.

3 2. Notwithstanding the provisions of subparagraph 1.,
4 an M.P.O. may, with the approval of the department and the
5 applicable federal governmental agency, adopt an alternative
6 program or mechanism to ensure citizen involvement in the
7 transportation planning process.

8 (f) The department shall allocate to each M.P.O., for
9 the purpose of accomplishing its transportation planning and
10 programming duties, an appropriate amount of federal
11 transportation planning funds.

12 (g) Each M.P.O. may employ personnel or may enter into
13 contracts with local or state agencies, private planning
14 firms, or private engineering firms to accomplish its
15 transportation planning and programming duties required by
16 state or federal law.

17 (h) A chair's coordinating committee is created,
18 composed of the M.P.O.'s serving Hernando, Hillsborough,
19 Manatee, Pasco, Pinellas, Polk, and Sarasota Counties. The
20 committee must, at a minimum:

21 1. Coordinate transportation projects deemed to be
22 regionally significant by the committee.

23 2. Review the impact of regionally significant land
24 use decisions on the region.

25 3. Review all proposed regionally significant
26 transportation projects in the respective transportation
27 improvement programs which affect more than one of the
28 M.P.O.'s represented on the committee.

29 4. Institute a conflict resolution process to address
30 any conflict that may arise in the planning and programming of
31 such regionally significant projects.

1 (i)1. The Legislature finds that the state's rapid
2 growth in recent decades has caused many urbanized areas
3 subject to M.P.O. jurisdiction to become contiguous to each
4 other. As a result, various transportation projects may cross
5 from the jurisdiction of one M.P.O. into the jurisdiction of
6 another M.P.O. To more fully accomplish the purposes for which
7 M.P.O.'s have been mandated, M.P.O.'s shall develop
8 coordination mechanisms with one another to expand and improve
9 transportation within the state. The appropriate method of
10 coordination between M.P.O.'s shall vary depending upon the
11 project involved and given local and regional needs.
12 Consequently, it is appropriate to set forth a flexible
13 methodology that can be used by M.P.O.'s to coordinate with
14 other M.P.O.'s and appropriate political subdivisions as
15 circumstances demand.

16 2. Any M.P.O. may join with any other M.P.O. or any
17 individual political subdivision to coordinate activities or
18 to achieve any federal or state transportation planning or
19 development goals or purposes consistent with federal or state
20 law. When an M.P.O. determines that it is appropriate to join
21 with another M.P.O. or any political subdivision to coordinate
22 activities, the M.P.O. or political subdivision shall enter
23 into an interlocal agreement pursuant to s. 163.01, which, at
24 a minimum, creates a separate legal or administrative entity
25 to coordinate the transportation planning or development
26 activities required to achieve the goal or purpose; provide
27 the purpose for which the entity is created; provide the
28 duration of the agreement and the entity, and specify how the
29 agreement may be terminated, modified, or rescinded; describe
30 the precise organization of the entity, including who has
31 voting rights on the governing board, whether alternative

1 voting members are provided for, how voting members are
2 appointed, and what the relative voting strength is for each
3 constituent M.P.O. or political subdivision; provide the
4 manner in which the parties to the agreement will provide for
5 the financial support of the entity and payment of costs and
6 expenses of the entity; provide the manner in which funds may
7 be paid to and disbursed from the entity; and provide how
8 members of the entity will resolve disagreements regarding
9 interpretation of the interlocal agreement or disputes
10 relating to the operation of the entity. Such interlocal
11 agreement shall become effective upon its recordation in the
12 official public records of each county in which a member of
13 the entity created by the interlocal agreement has a voting
14 member. This paragraph does not require any M.P.O.'s to merge,
15 combine, or otherwise join together as a single M.P.O.

16 (6) LONG-RANGE TRANSPORTATION PLAN.--Each M.P.O. must
17 develop a long-range transportation plan that addresses at
18 least a 20-year planning horizon. The plan must include both
19 long-range and short-range strategies and must comply with all
20 other state and federal requirements. The prevailing
21 principles to be considered in the long-range transportation
22 plan are: preserving the existing transportation
23 infrastructure; enhancing Florida's economic competitiveness;
24 and improving travel choices to ensure mobility. The
25 long-range transportation plan must be consistent, to the
26 maximum extent feasible, with future land use elements and the
27 goals, objectives, and policies of the approved local
28 government comprehensive plans of the units of local
29 government located within the jurisdiction of the M.P.O. The
30 approved long-range transportation plan must be considered by
31 local governments in the development of the transportation

1 elements in local government comprehensive plans and any
2 amendments thereto. The long-range transportation plan must,
3 at a minimum:

4 (a) Identify transportation facilities, including, but
5 not limited to, major roadways, airports, seaports,
6 spaceports, commuter rail systems, transit systems, and
7 intermodal or multimodal terminals that will function as an
8 integrated metropolitan transportation system. The long-range
9 transportation plan must give emphasis to those transportation
10 facilities that serve national, statewide, or regional
11 functions, and must consider the goals and objectives
12 identified in the Florida Transportation Plan as provided in
13 s. 339.155. If a project is located within the boundaries of
14 more than one M.P.O., the M.P.O.'s must coordinate plans
15 regarding the project in the long-range transportation plan.

16 (b) Include a financial plan that demonstrates how the
17 plan can be implemented, indicating resources from public and
18 private sources which are reasonably expected to be available
19 to carry out the plan, and recommends any additional financing
20 strategies for needed projects and programs. The financial
21 plan may include, for illustrative purposes, additional
22 projects that would be included in the adopted long-range
23 transportation plan if reasonable additional resources beyond
24 those identified in the financial plan were available. For the
25 purpose of developing the long-range transportation plan, the
26 M.P.O. and the department shall cooperatively develop
27 estimates of funds that will be available to support the plan
28 implementation. Innovative financing techniques may be used to
29 fund needed projects and programs. Such techniques may
30 include the assessment of tolls, the use of value capture
31 financing, or the use of value pricing.

1 (c) Assess capital investment and other measures
2 necessary to:

3 1. Ensure the preservation of the existing
4 metropolitan transportation system including requirements for
5 the operation, resurfacing, restoration, and rehabilitation of
6 major roadways and requirements for the operation,
7 maintenance, modernization, and rehabilitation of public
8 transportation facilities; and

9 2. Make the most efficient use of existing
10 transportation facilities to relieve vehicular congestion and
11 maximize the mobility of people and goods.

12 (d) Indicate, as appropriate, proposed transportation
13 enhancement activities, including, but not limited to,
14 pedestrian and bicycle facilities, scenic easements,
15 landscaping, historic preservation, mitigation of water
16 pollution due to highway runoff, and control of outdoor
17 advertising.

18 (e) In addition to the requirements of paragraphs
19 (a)-(d), in metropolitan areas that are classified as
20 nonattainment areas for ozone or carbon monoxide, the M.P.O.
21 must coordinate the development of the long-range
22 transportation plan with the State Implementation Plan
23 developed pursuant to the requirements of the federal Clean
24 Air Act.

25
26 In the development of its long-range transportation plan, each
27 M.P.O. must provide the public, affected public agencies,
28 representatives of transportation agency employees, freight
29 shippers, providers of freight transportation services,
30 private providers of transportation, representatives of users
31 of public transit, and other interested parties with a

1 reasonable opportunity to comment on the long-range
2 transportation plan. The long-range transportation plan must
3 be approved by the M.P.O.

4 (7) TRANSPORTATION IMPROVEMENT PROGRAM.--Each M.P.O.
5 shall, in cooperation with the state and affected public
6 transportation operators, develop a transportation improvement
7 program for the area within the jurisdiction of the M.P.O. In
8 the development of the transportation improvement program,
9 each M.P.O. must provide the public, affected public agencies,
10 representatives of transportation agency employees, freight
11 shippers, providers of freight transportation services,
12 private providers of transportation, representatives of users
13 of public transit, and other interested parties with a
14 reasonable opportunity to comment on the proposed
15 transportation improvement program.

16 (a) Each M.P.O. is responsible for developing,
17 annually, a list of project priorities and a transportation
18 improvement program. The prevailing principles to be
19 considered by each M.P.O. when developing a list of project
20 priorities and a transportation improvement program are:
21 preserving the existing transportation infrastructure;
22 enhancing Florida's economic competitiveness; and improving
23 travel choices to ensure mobility. The transportation
24 improvement program will be used to initiate federally aided
25 transportation facilities and improvements as well as other
26 transportation facilities and improvements including transit,
27 rail, aviation, spaceport, and port facilities to be funded
28 from the State Transportation Trust Fund within its
29 metropolitan area in accordance with existing and subsequent
30 federal and state laws and rules and regulations related
31 thereto. The transportation improvement program shall be

1 consistent, to the maximum extent feasible, with the approved
2 local government comprehensive plans of the units of local
3 government whose boundaries are within the metropolitan area
4 of the M.P.O.

5 (b) Each M.P.O. annually shall prepare a list of
6 project priorities and shall submit the list to the
7 appropriate district of the department by October 1 of each
8 year; however, the department and a metropolitan planning
9 organization may, in writing, agree to vary this submittal
10 date. The list of project priorities must be formally reviewed
11 by the technical and citizens' advisory committees, and
12 approved by the M.P.O., before it is transmitted to the
13 district. The approved list of project priorities must be used
14 by the district in developing the district work program and
15 must be used by the M.P.O. in developing its transportation
16 improvement program. The annual list of project priorities
17 must be based upon project selection criteria that, at a
18 minimum, consider the following:

- 19 1. The approved M.P.O. long-range transportation plan;
20 2. The Strategic Intermodal System Plan developed
21 under s. 339.64.
22 ~~3.2-~~ The results of the transportation management
23 systems; and
24 ~~4.3-~~ The M.P.O.'s public-involvement procedures.

25 (c) The transportation improvement program must, at a
26 minimum:

- 27 1. Include projects and project phases to be funded
28 with state or federal funds within the time period of the
29 transportation improvement program and which are recommended
30 for advancement during the next fiscal year and 4 subsequent
31 fiscal years. Such projects and project phases must be

1 consistent, to the maximum extent feasible, with the approved
2 local government comprehensive plans of the units of local
3 government located within the jurisdiction of the M.P.O. For
4 informational purposes, the transportation improvement program
5 shall also include a list of projects to be funded from local
6 or private revenues.

7 2. Include projects within the metropolitan area which
8 are proposed for funding under 23 U.S.C. s. 134 of the Federal
9 Transit Act and which are consistent with the long-range
10 transportation plan developed under subsection (6).

11 3. Provide a financial plan that demonstrates how the
12 transportation improvement program can be implemented;
13 indicates the resources, both public and private, that are
14 reasonably expected to be available to accomplish the program;
15 identifies any innovative financing techniques that may be
16 used to fund needed projects and programs; and may include,
17 for illustrative purposes, additional projects that would be
18 included in the approved transportation improvement program if
19 reasonable additional resources beyond those identified in the
20 financial plan were available. Innovative financing techniques
21 may include the assessment of tolls, the use of value capture
22 financing, or the use of value pricing. The transportation
23 improvement program may include a project or project phase
24 only if full funding can reasonably be anticipated to be
25 available for the project or project phase within the time
26 period contemplated for completion of the project or project
27 phase.

28 4. Group projects and project phases of similar
29 urgency and anticipated staging into appropriate staging
30 periods.

31

1 5. Indicate how the transportation improvement program
2 relates to the long-range transportation plan developed under
3 subsection (6), including providing examples of specific
4 projects or project phases that further the goals and policies
5 of the long-range transportation plan.

6 6. Indicate whether any project or project phase is
7 inconsistent with an approved comprehensive plan of a unit of
8 local government located within the jurisdiction of the M.P.O.
9 If a project is inconsistent with an affected comprehensive
10 plan, the M.P.O. must provide justification for including the
11 project in the transportation improvement program.

12 7. Indicate how the improvements are consistent, to
13 the maximum extent feasible, with affected seaport, airport,
14 and spaceport master plans and with public transit development
15 plans of the units of local government located within the
16 jurisdiction of the M.P.O. If a project is located within the
17 boundaries of more than one M.P.O., the M.P.O.'s must
18 coordinate plans regarding the project in the transportation
19 improvement program.

20 (d) Projects included in the transportation
21 improvement program and that have advanced to the design stage
22 of preliminary engineering may be removed from or rescheduled
23 in a subsequent transportation improvement program only by the
24 joint action of the M.P.O. and the department. Except when
25 recommended in writing by the district secretary for good
26 cause, any project removed from or rescheduled in a subsequent
27 transportation improvement program shall not be rescheduled by
28 the M.P.O. in that subsequent program earlier than the 5th
29 year of such program.

30 (e) During the development of the transportation
31 improvement program, the M.P.O. shall, in cooperation with the

1 department and any affected public transit operation, provide
2 citizens, affected public agencies, representatives of
3 transportation agency employees, freight shippers, providers
4 of freight transportation services, private providers of
5 transportation, representatives of users of public transit,
6 and other interested parties with reasonable notice of and an
7 opportunity to comment on the proposed program.

8 (f) The adopted annual transportation improvement
9 program for M.P.O.'s in nonattainment or maintenance areas
10 must be submitted to the district secretary and the Department
11 of Community Affairs at least 90 days before the submission of
12 the state transportation improvement program by the department
13 to the appropriate federal agencies. The annual transportation
14 improvement program for M.P.O.'s in attainment areas must be
15 submitted to the district secretary and the Department of
16 Community Affairs at least 45 days before the department
17 submits the state transportation improvement program to the
18 appropriate federal agencies; however, the department, the
19 Department of Community Affairs, and a metropolitan planning
20 organization may, in writing, agree to vary this submittal
21 date. The Governor or the Governor's designee shall review
22 and approve each transportation improvement program and any
23 amendments thereto.

24 (g) The Department of Community Affairs shall review
25 the annual transportation improvement program of each M.P.O.
26 for consistency with the approved local government
27 comprehensive plans of the units of local government whose
28 boundaries are within the metropolitan area of each M.P.O. and
29 shall identify those projects that are inconsistent with such
30 comprehensive plans. The Department of Community Affairs shall
31 notify an M.P.O. of any transportation projects contained in

1 its transportation improvement program which are inconsistent
2 with the approved local government comprehensive plans of the
3 units of local government whose boundaries are within the
4 metropolitan area of the M.P.O.

5 (h) The M.P.O. shall annually publish or otherwise
6 make available for public review the annual listing of
7 projects for which federal funds have been obligated in the
8 preceding year. Project monitoring systems must be maintained
9 by those agencies responsible for obligating federal funds and
10 made accessible to the M.P.O.'s.

11 (8) UNIFIED PLANNING WORK PROGRAM.--Each M.P.O. shall
12 develop, in cooperation with the department and public
13 transportation providers, a unified planning work program that
14 lists all planning tasks to be undertaken during the program
15 year. The unified planning work program must provide a
16 complete description of each planning task and an estimated
17 budget therefor and must comply with applicable state and
18 federal law.

19 (9) AGREEMENTS.--

20 (a) Each M.P.O. shall execute the following written
21 agreements, which shall be reviewed, and updated as necessary,
22 every 5 years:

23 1. An agreement with the department clearly
24 establishing the cooperative relationship essential to
25 accomplish the transportation planning requirements of state
26 and federal law.

27 2. An agreement with the metropolitan and regional
28 intergovernmental coordination and review agencies serving the
29 metropolitan areas, specifying the means by which activities
30 will be coordinated and how transportation planning and
31

1 programming will be part of the comprehensive planned
2 development of the area.

3 3. An agreement with operators of public
4 transportation systems, including transit systems, commuter
5 rail systems, airports, seaports, and spaceports, describing
6 the means by which activities will be coordinated and
7 specifying how public transit, commuter rail, aviation,
8 seaport, and aerospace planning and programming will be part
9 of the comprehensive planned development of the metropolitan
10 area.

11 (b) An M.P.O. may execute other agreements required by
12 state or federal law or as necessary to properly accomplish
13 its functions.

14 (10) METROPOLITAN PLANNING ORGANIZATION ADVISORY
15 COUNCIL.--

16 (a) A Metropolitan Planning Organization Advisory
17 Council is created to augment, and not supplant, the role of
18 the individual M.P.O.'s in the cooperative transportation
19 planning process described in this section.

20 (b) The council shall consist of one representative
21 from each M.P.O. and shall elect a chairperson annually from
22 its number. Each M.P.O. shall also elect an alternate
23 representative from each M.P.O. to vote in the absence of the
24 representative. Members of the council do not receive any
25 compensation for their services, but may be reimbursed from
26 funds made available to council members for travel and per
27 diem expenses incurred in the performance of their council
28 duties as provided in s. 112.061.

29 (c) The powers and duties of the Metropolitan Planning
30 Organization Advisory Council are to:

31

- 1 1. Enter into contracts with individuals, private
2 corporations, and public agencies.
- 3 2. Acquire, own, operate, maintain, sell, or lease
4 personal property essential for the conduct of business.
- 5 3. Accept funds, grants, assistance, gifts, or
6 bequests from private, local, state, or federal sources.
- 7 4. Establish bylaws and adopt rules pursuant to ss.
8 120.536(1) and 120.54 to implement provisions of law
9 conferring powers or duties upon it.
- 10 5. Assist M.P.O.'s in carrying out the urbanized area
11 transportation planning process by serving as the principal
12 forum for collective policy discussion pursuant to law.
- 13 6. Serve as a clearinghouse for review and comment by
14 M.P.O.'s on the Florida Transportation Plan and on other
15 issues required to comply with federal or state law in
16 carrying out the urbanized area transportation and systematic
17 planning processes instituted pursuant to s. 339.155.
- 18 7. Employ an executive director and such other staff
19 as necessary to perform adequately the functions of the
20 council, within budgetary limitations. The executive director
21 and staff are exempt from part II of chapter 110 and serve at
22 the direction and control of the council. The council is
23 assigned to the Office of the Secretary of the Department of
24 Transportation for fiscal and accountability purposes, but it
25 shall otherwise function independently of the control and
26 direction of the department.
- 27 8. Adopt an agency strategic plan that provides the
28 priority directions the agency will take to carry out its
29 mission within the context of the state comprehensive plan and
30 any other statutory mandates and directions given to the
31 agency.

1 (11) APPLICATION OF FEDERAL LAW.--Upon notification by
2 an agency of the Federal Government that any provision of this
3 section conflicts with federal laws or regulations, such
4 federal laws or regulations will take precedence to the extent
5 of the conflict until such conflict is resolved. The
6 department or an M.P.O. may take any necessary action to
7 comply with such federal laws and regulations or to continue
8 to remain eligible to receive federal funds.

9 Section 5. Subsection (12) is added to section
10 338.251, Florida Statutes, to read:

11 338.251 Toll Facilities Revolving Trust Fund.--The
12 Toll Facilities Revolving Trust Fund is hereby created for the
13 purpose of encouraging the development and enhancing the
14 financial feasibility of revenue-producing road projects
15 undertaken by local governmental entities in a county or
16 combination of contiguous counties and the turnpike
17 enterprise.

18 (12) Notwithstanding subsection (4), by agreement with
19 the department, the Emerald Coast Bridge Authority may revise
20 the repayment schedule of any previous advances, which shall
21 not be considered a failure to repay if the effort to
22 undertake a revenue-producing road project is being conducted
23 in good faith and all other requirements of law are met.

24 Section 6. Section 334.30, Florida Statutes, is
25 amended to read:

26 334.30 Public-private ~~Private~~ transportation
27 facilities.--The Legislature hereby finds and declares that
28 there is a public need for rapid construction of safe and
29 efficient transportation facilities for the purpose of travel
30 within the state, and that it is in the public's interest to
31

1 provide for the construction of additional safe, convenient,
2 and economical transportation facilities.

3 (1) The department may receive or solicit proposals
4 and, with legislative approval as evidenced by approval of the
5 project in the department's work program ~~by a separate bill~~
6 ~~for each facility~~, enter into agreements with private
7 entities, or consortia thereof, for the building, operation,
8 ownership, or financing of transportation facilities. The
9 department may advance projects programmed in the adopted
10 5-year work program using funds provided by public-private
11 partnerships or private entities to be reimbursed from
12 department funds for the project as programmed in the adopted
13 work program. The department shall by rule establish an
14 application fee for the submission of proposals under this
15 section. The fee must be sufficient to pay the costs of
16 evaluating the proposals. The department may engage the
17 services of private consultants to assist in the evaluation.
18 Before ~~seeking legislative~~ approval, the department must
19 determine that the proposed project:

20 (a) Is in the public's best interest;

21 (b) Would not require state funds to be used unless
22 the project is on the State Highway System ~~there is an~~
23 ~~overriding state interest~~; and

24 (c) Would have adequate safeguards in place to ensure
25 that no additional costs or service disruptions would be
26 realized by the traveling public and citizens of the state in
27 the event of default or cancellation of the agreement by the
28 department.

29
30 The department shall ensure that all reasonable costs to the
31 state ~~and substantially affected local governments and~~

1 ~~utilities~~, related to ~~the private~~ transportation facilities
2 that are not part of the State Highway System facility, are
3 borne by the private entity. The department shall also ensure
4 that all reasonable costs to the state and substantially
5 affected local governments and utilities, related to the
6 private transportation facility, are borne by the private
7 entity for transportation facilities that are owned by private
8 entities. For projects on the State Highway System, the
9 department may use state resources to participate in funding
10 and financing the project as provided for under the
11 department's enabling legislation.

12 (2) Agreements entered into pursuant to this section
13 may authorize the private entity to impose tolls or fares for
14 the use of the facility. However, the amount and use of toll
15 or fare revenues shall ~~may~~ be regulated by the department to
16 avoid unreasonable costs to users of the facility.

17 (3) Each private transportation facility constructed
18 pursuant to this section shall comply with all requirements of
19 federal, state, and local laws; state, regional, and local
20 comprehensive plans; department rules, policies, procedures,
21 and standards for transportation facilities; and any other
22 conditions which the department determines to be in the
23 public's best interest.

24 (4) The department may exercise any power possessed by
25 it, including eminent domain, with respect to the development
26 and construction of state transportation projects to
27 facilitate the development and construction of transportation
28 projects pursuant to this section. The department may provide
29 services to the private entity. Agreements for maintenance,
30 law enforcement, and other services entered into pursuant to
31

1 this section shall provide for full reimbursement for services
2 rendered for projects not on the State Highway System.

3 (5) Except as herein provided, the provisions of this
4 section are not intended to amend existing laws by granting
5 additional powers to, or further restricting, local
6 governmental entities from regulating and entering into
7 cooperative arrangements with the private sector for the
8 planning, construction, and operation of transportation
9 facilities.

10 (6) The department may request proposals from private
11 entities for public-private transportation projects or, if the
12 department receives an unsolicited proposal, the department
13 shall publish a notice in the Florida Administrative Weekly
14 and a newspaper of general circulation at least once a week
15 for 2 weeks stating that the department has received the
16 proposal and will accept, for 60 days after the initial date
17 of publication, other proposals for the same project purpose.
18 A copy of the notice must be mailed to each local government
19 in the affected area. After the public notification period has
20 expired, the department shall rank the proposals in order of
21 preference. In ranking the proposals the department may
22 consider factors, including, but not limited to, professional
23 qualifications, general business terms, innovative engineering
24 or cost-reduction terms, finance plans, and the need for state
25 funds to deliver the project. If the department is not
26 satisfied with the results of the negotiations, the department
27 may, at its sole discretion, terminate negotiations with the
28 proposer. If these negotiations are unsuccessful, the
29 department may go to the second-ranked and lower-ranked firms,
30 in order, using this same procedure. If only one proposal is
31 received, the department may negotiate in good faith and, if

1 the department is not satisfied with the results of the
2 negotiations, the department may, at its sole discretion,
3 terminate negotiations with the proposer. Notwithstanding this
4 subsection, the department may, at its discretion, reject all
5 proposals at any point in the process up to completion of a
6 contract with the proposer.

7 (7) The department may lend funds from the Toll
8 Facilities Revolving Trust Fund, as outlined in s. 338.251, to
9 private entities that construct projects on the State Highway
10 System containing toll facilities that are approved under this
11 section. To be eligible, a private entity must comply with s.
12 338.251 and must provide an indication from a nationally
13 recognized rating agency that the senior bonds for the project
14 will be investment grade, or must provide credit support such
15 as a letter of credit or other means acceptable to the
16 department, to ensure that the loans will be fully repaid. The
17 state's liability for the funding of a facility is limited to
18 the amount approved for that specific facility in the
19 department's 5-year work program adopted pursuant to s.
20 339.135.

21 (8)(6) A fixed-guideway transportation system
22 authorized by the department to be wholly or partially within
23 the department's right-of-way pursuant to a lease granted
24 under s. 337.251 may operate at any safe speed.

25 Section 7. Subsection (6) of section 338.001, Florida
26 Statutes, is amended to read:

27 338.001 Florida Intrastate Highway System Plan.--

28 (6) For the purposes of developing the proposed plan,
29 beginning in fiscal year 2003-2004 ~~1993-1994~~ and for each
30 fiscal year thereafter, the minimum amount allocated shall be
31 based on the fiscal year 2003-2004 ~~1992-1993~~ allocation of

1 | ~~\$450~~^{\$151.3} million adjusted annually by the change in the
2 | Consumer Price Index for the prior fiscal year compared to the
3 | Consumer Price Index for fiscal year 2003-2004 ~~1991-1992~~. No
4 | amounts from the funds dedicated to the Florida Intrastate
5 | Highway System shall be allocated to turnpike projects ~~after~~
6 | ~~the 1993-1994 fiscal year~~.

7 | Section 8. Section 339.08, Florida Statutes, is
8 | amended to read:

9 | 339.08 Use of moneys in State Transportation Trust
10 | Fund.--

11 | (1) The department shall expend ~~by rule provide for~~
12 | ~~the expenditure of the~~ moneys in the State Transportation
13 | Trust Fund accruing to the department, in accordance with its
14 | annual budget.

15 | ~~(2) These rules must restrict~~ The use of such moneys
16 | shall be restricted to the following purposes:

17 | (a) To pay administrative expenses of the department,
18 | including administrative expenses incurred by the several
19 | state transportation districts, but excluding administrative
20 | expenses of commuter rail authorities that do not operate rail
21 | service.

22 | (b) To pay the cost of construction of the State
23 | Highway System.

24 | (c) To pay the cost of maintaining the State Highway
25 | System.

26 | (d) To pay the cost of public transportation projects
27 | in accordance with chapter 341 and ss. 332.003-332.007.

28 | (e) To reimburse counties or municipalities for
29 | expenditures made on projects in the State Highway System as
30 | authorized by s. 339.12(4) upon legislative approval.
31 |

1 (f) To pay the cost of economic development
2 transportation projects in accordance with s. 288.063.

3 (g) To lend or pay a portion of the operating,
4 maintenance, and capital costs of a revenue-producing
5 transportation project that is located on the State Highway
6 System or that is demonstrated to relieve traffic congestion
7 on the State Highway System.

8 (h) To match any federal-aid funds allocated for any
9 other transportation purpose, including funds allocated to
10 projects not located in the State Highway System.

11 (i) To pay the cost of county road projects selected
12 in accordance with the Small County Road Assistance Program
13 created in s. 339.2816.

14 (j) To pay the cost of county or municipal road
15 projects selected in accordance with the County Incentive
16 Grant Program created in s. 339.2817 and the Small County
17 Outreach Program created in s. 339.2818.

18 (k) To provide loans and credit enhancements for use
19 in constructing and improving highway transportation
20 facilities selected in accordance with the state-funded
21 infrastructure bank created in s. 339.55.

22 (l) To pay the cost of projects on the Florida
23 Strategic Intermodal System created in s. 339.61 ~~fund the~~
24 ~~Transportation Outreach Program created in s. 339.137.~~

25 (m) To pay other lawful expenditures of the
26 department.

27 ~~(2)(3)~~ Unless specifically provided in the General
28 Appropriations Act or the substantive bill implementing the
29 General Appropriations Act, no moneys in the State
30 Transportation Trust Fund may be used to fund the operational
31 or capital outlay cost for any correctional facility of the

1 Department of Corrections. The department shall, however,
2 enter into contractual arrangements with the Department of
3 Corrections for those specific maintenance functions that can
4 be performed effectively by prison inmates under the
5 supervision of Department of Corrections personnel with
6 technical assistance being provided by the department. The
7 cost of such contracts must not exceed the cost that would be
8 incurred by the department if these functions were to be
9 performed by its personnel or by contract with another entity
10 unless, notwithstanding cost, the department can clearly
11 demonstrate that for reasons of expediency or efficiency it is
12 in the best interests of the department to contract with the
13 Department of Corrections.

14 ~~(3)~~(4) The department may authorize the investment of
15 the earnings accrued and collected upon the investment of the
16 minimum balance of funds required to be maintained in the
17 State Transportation Trust Fund pursuant to s. 339.135(6)(b).
18 Such investment shall be limited as provided in s.
19 288.9607(7).

20 ~~(4)~~(5) For the 2003-2004 fiscal year only and
21 notwithstanding the provisions of this section and s.
22 339.09(1), \$200 million may be transferred from the State
23 Transportation Trust Fund to the General Revenue Fund in the
24 2003-2004 General Appropriations Act. Such transfer may be
25 comprised of several smaller transfers made during the
26 2003-2004 fiscal year. Notwithstanding ss. 206.46(3) and
27 206.606(2), the total amount transferred shall be reduced from
28 total state revenues deposited into the State Transportation
29 Trust Fund for the calculation requirements of ss. 206.46(3)
30 and 206.606(2). This subsection expires July 1, 2004.

31

1 Section 9. Paragraph (a) of subsection (4) of section
2 339.135, Florida Statutes, is amended to read:

3 339.135 Work program; legislative budget request;
4 definitions; preparation, adoption, execution, and
5 amendment.--

6 (4) FUNDING AND DEVELOPING A TENTATIVE WORK PROGRAM.--

7 (a)1. To assure that no district or county is
8 penalized for local efforts to improve the State Highway
9 System, the department shall, for the purpose of developing a
10 tentative work program, allocate funds for new construction to
11 the districts, except for the turnpike enterprise, based on
12 equal parts of population and motor fuel tax collections.
13 Funds for resurfacing, bridge repair and rehabilitation,
14 bridge fender system construction or repair, public transit
15 projects except public transit block grants as provided in s.
16 341.052, and other programs with quantitative needs
17 assessments shall be allocated based on the results of these
18 assessments. The department may not transfer any funds
19 allocated to a district under this paragraph to any other
20 district except as provided in subsection (7). Funds for
21 public transit block grants shall be allocated to the
22 districts pursuant to s. 341.052. Funds for the intercity bus
23 program provided for under s. 5311(f) of the federal
24 nonurbanized area formula program shall be administered and
25 allocated directly to eligible bus carriers as defined in s.
26 341.031(12) at the state level rather than the district. In
27 order to provide state funding to support the intercity bus
28 program provided for under provisions of the federal 5311(f)
29 program, the department shall allocate an amount equal to the
30 federal share of the 5311(f) program from amounts calculated
31 pursuant to s. 206.46(3).

1 2. Notwithstanding the provisions of subparagraph 1.,
2 the department shall allocate at least 50 percent of any new
3 discretionary highway capacity funds to the Florida Strategic
4 Intermodal Intra~~state~~ Highway System created ~~established~~
5 pursuant to s. 339.61 ~~s. 338.001~~. Any remaining new
6 discretionary highway capacity funds shall be allocated to the
7 districts for new construction as provided in subparagraph 1.
8 For the purposes of this subparagraph, the term "new
9 discretionary highway capacity funds" means any funds
10 available to the department above the prior year funding level
11 for capacity improvements, which the department has the
12 discretion to allocate to highway projects.

13 Section 10. Section 339.137, Florida Statutes, is
14 repealed.

15 Section 11. Section 339.1371, Florida Statutes, is
16 amended to read:

17 339.1371 Mobility 2000; ~~Transportation Outreach~~
18 ~~Program~~; funding.--

19 (1) Beginning in fiscal year 2000-2001 the Department
20 of Transportation shall allocate sufficient funds to implement
21 the Mobility 2000 (Building Roads for the 21st Century)
22 initiative. The department shall develop a plan to expend
23 these revenues and amend the current tentative work program
24 for the time period 2000-2001 through 2004-2005 prior to
25 adoption to include Mobility 2000 projects. In addition, prior
26 to work program adoption, the department shall submit a budget
27 amendment pursuant to s. 339.135(7), requesting budget
28 authority needed to implement the Mobility 2000 initiative.
29 Funds will be used for corridors that link Florida's economic
30 regions to seaports, international airports, and markets to
31 provide connections through major gateways, improved mobility

1 in major urbanized areas, and access routes for emergency
2 evacuation to coastal communities based on analysis of current
3 and projected traffic conditions.

4 (2) Notwithstanding any other provision of law, in
5 fiscal year 2001-2002 and each year thereafter, the increase
6 in revenue to the State Transportation Trust Fund derived from
7 ss. 1, 2, 3, 7, 9, and 10, ch. 2000-257, Laws of Florida,
8 shall be first used by the Department of Transportation to
9 fund the Mobility 2000 initiative and any remaining funds
10 shall be used to fund the Florida Strategic Intermodal System
11 ~~Transportation Outreach Program~~ created pursuant to s. 339.61
12 ~~s. 339.137~~. Notwithstanding any other law to the contrary, the
13 requirements of ss. 206.46(3) and 206.606(2) shall not apply
14 to the Mobility 2000 initiative.

15 Section 12. Subsection (1) of section 339.61, Florida
16 Statutes, is amended to read:

17 339.61 Florida Strategic Intermodal System;
18 legislative findings, declaration, and intent.--

19 (1) There is hereby created the Florida Strategic
20 Intermodal System. For purposes of funding projects under the
21 system, the department shall allocate from the State
22 Transportation Trust Fund in its program and resource plan a
23 minimum of \$60 million each year, beginning in the 2004-2005
24 fiscal year. This allocation of funds is in addition to any
25 funding provided to this system by any other provision of law.

26 Section 13. Subsection (1) of section 337.401, Florida
27 Statutes, is amended to read:

28 337.401 Use of right-of-way for utilities subject to
29 regulation; permit; fees.--

30 (1) The department and local governmental entities,
31 referred to in ss. 337.401-337.404 as the "authority," that

1 have jurisdiction and control of public roads or publicly
2 owned rail corridors are authorized to prescribe and enforce
3 reasonable rules or regulations with reference to the placing
4 and maintaining along, across, or on any road or publicly
5 owned rail corridors under their respective jurisdictions any
6 electric transmission, telephone, telegraph, or other
7 communications services lines; pole lines; poles; railways;
8 ditches; sewers; water, heat, or gas mains; pipelines; fences;
9 gasoline tanks and pumps; or other structures hereinafter
10 referred to as the "utility." The department may enter into a
11 permit-delegation agreement with a governmental entity if
12 issuance of a permit is based on requirements that the
13 department finds will ensure the safety and integrity of
14 facilities of the Department of Transportation; however, the
15 permit-delegation agreement does not apply to facilities of
16 electric utilities as defined in s. 366.02(2).

17 Section 14. Section 95.361, Florida Statutes, is
18 amended to read:

19 95.361 Roads presumed to be dedicated.--

20 (1) When a road, constructed by a county, a
21 municipality, or the Department of Transportation, has been
22 maintained or repaired continuously and uninterruptedly for 4
23 years by the county, municipality, or the Department of
24 Transportation, jointly or severally, the road shall be deemed
25 to be dedicated to the public to the extent in width that has
26 been actually maintained for the prescribed period, whether or
27 not the road has been formally established as a public
28 highway. The dedication shall vest all right, title,
29 easement, and appurtenances in and to the road in:

30 (a) The county, if it is a county road;

31

1 (b) The municipality, if it is a municipal street or
2 road; or

3 (c) The state, if it is a road in the State Highway
4 System or State Park Road System,

5
6 whether or not there is a record of a conveyance, dedication,
7 or appropriation to the public use.

8 (2) In those instances where a road has been
9 constructed by a nongovernmental entity, or where the road was
10 not constructed by the entity currently maintaining or
11 repairing it, or where it cannot be determined who constructed
12 the road, and when such road has been regularly maintained or
13 repaired for the immediate past 7 years by a county, a
14 municipality, or the Department of Transportation, whether
15 jointly or severally, such road shall be deemed to be
16 dedicated to the public to the extent of the width that
17 actually has been maintained or repaired for the prescribed
18 period, whether or not the road has been formally established
19 as a public highway. This subsection shall not apply to an
20 electric utility, as defined in s. 366.02(2) The dedication
21 shall vest all rights, title, easement, and appurtenances in
22 and to the road in:

23 (a) The county, if it is a county road;

24 (b) The municipality, if it is a municipal street or
25 road; or

26 (c) The state, if it is a road in the State Highway
27 System or State Park Road System,

28
29 whether or not there is a record of conveyance, dedication, or
30 appropriation to the public use.

31

1 (3) The filing of a map in the office of the clerk of
2 the circuit court of the county where the road is located
3 showing the lands and reciting on it that the road has vested
4 in the state, a county, or a municipality in accordance with
5 subsection (1) or subsection (2) or by any other means of
6 acquisition, duly certified by:

7 (a) The secretary of the Department of Transportation,
8 or the secretary's designee, if the road is a road in the
9 State Highway System or State Park Road System;

10 (b) The chair and clerk of the board of county
11 commissioners of the county, if the road is a county road; or

12 (c) The mayor and clerk of the municipality, if the
13 road is a municipal road or street,

14
15 shall be prima facie evidence of ownership of the land by the
16 state, county, or municipality, as the case may be.

17 (4) Any person, firm, corporation, or entity having or
18 claiming any interest in and to any of the property affected
19 by subsection (2) shall have and is hereby allowed a period of
20 1 year after the effective date of this subsection, or a
21 period of 7 years after the initial date of regular
22 maintenance or repair of the road, whichever period is
23 greater, to file a claim in equity or with a court of law
24 against the particular governing authority assuming
25 jurisdiction over such property to cause a cessation of the
26 maintenance and occupation of the property. Such timely filed
27 and adjudicated claim shall prevent the dedication of the road
28 to the public pursuant to subsection (2).

29 (5) This section does not apply to any facility of an
30 electric utility which is located on property otherwise
31 subject to this section.

1 Section 15. Subsections (2) and (6) of section
2 341.8203, Florida Statutes, are amended to read:

3 341.8203 Definitions.--As used in this act, unless the
4 context clearly indicates otherwise, the term:

5 (2) "Authority" means the Florida High-Speed Rail
6 Authority and its agents. However, for purposes of s. 341.840,
7 the term does not include any agent of the authority except as
8 provided in that section.

9 (6) "High-speed rail system" means any high-speed
10 fixed guideway system for transporting people or goods, which
11 system is capable of operating at speeds in excess of 120
12 miles per hour, including, but not limited to, a monorail
13 system, dual track rail system, suspended rail system,
14 magnetic levitation system, pneumatic repulsion system, or
15 other system approved by the authority. The term includes a
16 corridor and structures essential to the operation of the
17 line, including the land, structures, improvements,
18 rights-of-way, easements, rail lines, rail beds, guideway
19 structures, ~~stations, platforms,~~ switches, yards, parking
20 facilities, power relays, switching houses, and rail stations,
21 ~~associated development,~~ and also includes any other facilities
22 or equipment used exclusively ~~or useful~~ for the purposes of
23 ~~high speed rail system~~ design, construction, operation,
24 maintenance, or the financing of the high-speed rail system.

25 Section 16. Section 341.840, Florida Statutes, is
26 amended to read:

27 341.840 Tax exemption.--

28 (1) The exercise of the powers granted by this act
29 will be in all respects for the benefit of the people of this
30 state, for the increase of their commerce, welfare, and
31 prosperity, and for the improvement of their health and living

1 | conditions, ~~and as~~ The design, construction building,
2 | operation, maintenance, and financing of a high-speed rail
3 | system by the authority, ~~or~~ its agent, or the owner or lessee
4 | thereof, as herein authorized, constitutes the performance of
5 | an essential public function.

6 | (2)(a) For the purposes of this section, the term
7 | "authority" does not include agents of the authority other
8 | than contractors who qualify as such pursuant to subsection
9 | (7).

10 | (b) For the purposes of this section, any item or
11 | property that is within the definition of "associated
12 | development" in s. 341.8203(1) shall not be considered to be
13 | part of the high-speed rail system as defined in s.
14 | 341.8203(6).

15 | (3)(a) Purchases or leases of tangible personal
16 | property or real property by the authority, excluding agents
17 | of the authority, are exempt from taxes imposed by chapter 212
18 | as provided in s. 212.08(6). Purchases or leases of tangible
19 | personal property that is incorporated into the high-speed
20 | rail system as a component part thereof, as determined by the
21 | authority, by agents of the authority or the owner of the
22 | high-speed rail system are exempt from sales or use taxes
23 | imposed by chapter 212. Leases, rentals, or licenses to use
24 | real property granted to agents of the authority or the owner
25 | of the high-speed rail system are exempt from taxes imposed by
26 | s. 212.031 if the real property becomes part of such system.
27 | The exemptions granted in this subsection do not apply to
28 | sales, leases, or licenses by the authority, agents of the
29 | authority, or the owner of the high-speed rail system.

30 | (b) The exemption granted in paragraph (a) to
31 | purchases or leases of tangible personal property by agents of

1 the authority or by the owner of the high-speed rail system
2 applies only to property that becomes a component part of such
3 system. It does not apply to items, including, but not limited
4 to, cranes, bulldozers, forklifts, other machinery and
5 equipment, tools and supplies, or other items of tangible
6 personal property used in the construction, operation, or
7 maintenance of the high-speed rail system when such items are
8 not incorporated into the high-speed rail system as a
9 component part thereof.

10 (4) Any bonds or other, ~~neither the authority, its~~
11 ~~agent, nor the owner of such system shall be required to pay~~
12 ~~any taxes or assessments upon or in respect to the system or~~
13 ~~any property acquired or used by the authority, its agent, or~~
14 ~~such owner under the provisions of this act or upon the income~~
15 ~~therefrom, any security, and all notes, mortgages, security~~
16 ~~agreements, letters of credit, or other instruments that arise~~
17 ~~out of or are given to secure the repayment of bonds or other~~
18 ~~security, issued by the authority, or on behalf of the~~
19 ~~authority therefor,~~ their transfer, and the income therefrom,
20 including any profit made on the sale thereof, shall at all
21 times be free from taxation of every kind by the state, the
22 counties, and the municipalities and other political
23 subdivisions in the state. This subsection, however, does not
24 exempt from taxation or assessment the leasehold interest of a
25 lessee in any project or any other property or interest owned
26 by the lessee. The exemption granted by this subsection is not
27 applicable to any tax imposed by chapter 220 on interest
28 income or profits on the sale of debt obligations owned by
29 corporations.

30 (5) When property of the authority is leased to
31 another person or entity, the property shall be exempt from ad

1 valorem taxation only if the use by the lessee qualifies the
2 property for exemption under s. 196.199.

3 (6) A leasehold interest held by the authority is not
4 subject to intangible tax. However, if a leasehold interest
5 held by the authority is subleased to a nongovernmental
6 lessee, such subleasehold interest shall be deemed to be an
7 interest described in s. 199.023(1)(d), and is subject to the
8 intangible tax.

9 (7)(a) In order to be considered an agent of the
10 authority for purposes of the exemption from sales and use tax
11 granted by subsection (3) for tangible personal property
12 incorporated into the high-speed rail system, a contractor of
13 the authority that purchases or fabricates such tangible
14 personal property must be certified by the authority as
15 provided in this subsection.

16 (b)1. A contractor must apply for a renewal of the
17 exemption not later than December 1 of each calendar year.

18 2. A contractor must apply to the authority on the
19 application form adopted by the authority, which shall develop
20 the form in consultation with the Department of Revenue.

21 3. The authority shall review each submitted
22 application and determine whether it is complete. The
23 authority shall notify the applicant of any deficiencies in
24 the application within 30 days. Upon receipt of a completed
25 application, the authority shall evaluate the application for
26 exemption under this subsection and issue a certification that
27 the contractor is qualified to act as an agent of the
28 authority for purposes of this section or a denial of such
29 certification within 30 days. The authority shall provide the
30 Department of Revenue with a copy of each certification issued
31 upon approval of an application. Upon receipt of a

1 certification from the authority, the Department of Revenue
2 shall issue an exemption permit to the contractor.

3 (c)1. The contractor may extend a copy of its
4 exemption permit to its vendors in lieu of paying sales tax on
5 purchases of tangible personal property qualifying for
6 exemption under this section. Possession of a copy of the
7 exemption permit relieves the seller of the responsibility of
8 collecting tax on the sale, and the Department of Revenue
9 shall look solely to the contractor for recovery of tax upon a
10 determination that the contractor was not entitled to the
11 exemption.

12 2. The contractor may extend a copy of its exemption
13 permit to real property subcontractors supplying and
14 installing tangible personal property that is exempt under
15 subsection (3). Any such subcontractor is authorized to extend
16 a copy of the permit to the subcontractor's vendors in order
17 to purchase qualifying tangible personal property tax-exempt.
18 If the subcontractor uses the exemption permit to purchase
19 tangible personal property that is determined not to qualify
20 for exemption under subsection (3), the Department of Revenue
21 may assess and collect any tax, penalties, and interest that
22 are due from either the contractor holding the exemption
23 permit or the subcontractor that extended the exemption permit
24 to the seller.

25 (d) Any contractor authorized to act as an agent of
26 the authority under this section shall maintain the necessary
27 books and records to document the exempt status of purchases
28 and fabrication costs made or incurred under the permit. In
29 addition, an authorized contractor extending its exemption
30 permit to its subcontractors shall maintain a copy of the
31 subcontractor's books, records, and invoices indicating all

1 purchases made by the subcontractor under the authorized
2 contractor's permit. If, in an audit conducted by the
3 Department of Revenue, it is determined that tangible personal
4 property purchased or fabricated claiming exemption under this
5 section does not meet the criteria for exemption, the amount
6 of taxes not paid at the time of purchase or fabrication shall
7 be immediately due and payable to the Department of Revenue,
8 together with the appropriate interest and penalty, computed
9 from the date of purchase, in the manner prescribed by chapter
10 212.

11 (e) If a contractor fails to apply for a high-speed
12 rail system exemption permit, or if a contractor initially
13 determined by the authority to not qualify for exemption is
14 subsequently determined to be eligible, the contractor shall
15 receive the benefit of the exemption in this subsection
16 through a refund of previously paid taxes for transactions
17 that otherwise would have been exempt. A refund may not be
18 made for such taxes without the issuance of a certification by
19 the authority that the contractor was authorized to make
20 purchases tax-exempt and a determination by the Department of
21 Revenue that the purchases qualified for the exemption.

22 (f) The authority may adopt rules governing the
23 application process for exemption of a contractor as an
24 authorized agent of the authority.

25 (g) The Department of Revenue may adopt rules
26 governing the issuance and form of high-speed rail system
27 exemption permits, the audit of contractors and subcontractors
28 using such permits, the recapture of taxes on nonqualified
29 purchases, and the manner and form of refund applications.

30 Section 17. Section 343.71, Florida Statutes, is
31 amended to read:

1 343.71 Short title.--This part may be cited as the
2 "Tampa Bay Commuter Transit Rail Authority Act."

3 Section 18. Subsection (1) of section 343.72, Florida
4 Statutes, is amended to read:

5 343.72 Definitions.--As used in this part, unless the
6 context clearly indicates otherwise, the term:

7 (1) "Authority" means the Tampa Bay Commuter Transit
8 ~~Rail~~ Authority.

9 Section 19. Section 343.73, Florida Statutes, is
10 amended to read:

11 343.73 Tampa Bay Commuter Transit Rail Authority.--

12 (1) There is created and established a body politic
13 and corporate, an agency of the state, to be known as the
14 Tampa Bay Commuter Transit Rail Authority, hereinafter
15 referred to as the authority.

16 (2) The board shall consist of the following members:

17 (a) The metropolitan planning organizations of
18 Hernando, Hillsborough, Pasco, Pinellas, Manatee, Sarasota,
19 and Polk Counties shall each elect a member as its
20 representative on the board. The member must be an elected
21 official and a member of the respective metropolitan planning
22 organization when elected and for the full extent of his or
23 her term on the board.

24 (b) The county commissions of those counties shall
25 each appoint a citizen member to the board who is not a county
26 commissioner but who is a resident and a qualified elector of
27 that county. Insofar as is practicable, the citizen member
28 shall represent the business and civic interests of the
29 community.

30 (c) The Secretary of Transportation shall appoint as a
31 member of the board the district secretary, or his or her

1 | designee, for each district within the seven ~~five~~ counties
2 | served by the authority.

3 | (d) The local transit authority in each of the seven
4 | ~~five~~ counties shall elect one member who shall serve as an ex
5 | officio nonvoting member of the board.

6 | (e) The Governor shall appoint one member to the board
7 | who is a resident and a qualified elector in the area served
8 | by the authority.

9 | (3) The terms of the county commissioners on the
10 | governing board of the authority shall be 2 years. All other
11 | members on the governing board of the authority shall serve
12 | staggered 4-year terms. Each member shall hold office until
13 | his or her successor has been appointed.

14 | (4) A vacancy during a term shall be filled by the
15 | respective appointing authority within 90 days in the same
16 | manner as the original appointment and only for the balance of
17 | the unexpired term.

18 | (5) The members of the authority shall not be entitled
19 | to compensation, but shall be reimbursed for travel expenses
20 | actually incurred in their duties as provided by law.

21 | (6) Members of the authority shall be required to
22 | comply with the applicable financial disclosure requirements
23 | of ss. 112.3145, 112.3148, and 112.3149.

24 | Section 20. Subsection (1) of section 343.74, Florida
25 | Statutes, is amended to read:

26 | 343.74 Powers and duties.--

27 | (1)(a) The authority created by s. 343.73 has the
28 | right to own, operate, maintain, and manage a commuter rail
29 | system and commuter ferry system in Hernando, Hillsborough,
30 | Pasco, Pinellas, Manatee, Sarasota, and Polk Counties.

31 |

1 (b) It is the express intention of this part that the
2 authority be authorized to plan, develop, own, purchase,
3 lease, or otherwise acquire, demolish, construct, improve,
4 relocate, equip, repair, maintain, operate, and manage a
5 commuter rail system, commuter rail facilities, or commuter
6 ferry system; to establish and determine such policies as may
7 be necessary for the best interest of the operation and
8 promotion of a commuter rail system and commuter ferry system;
9 and to adopt such rules as may be necessary to govern the
10 operation of a commuter rail system, commuter rail facilities,
11 and commuter ferry system.

12 Section 21. Subsection (1) of section 3 of chapter
13 57-1658, Laws of Florida, as created by chapter 88-474, Laws
14 of Florida, is amended to read:

15 Section 3. Greater Orlando Aviation Authority.

16 (1) There is hereby created a board or commission to
17 be known as the "Greater Orlando Aviation Authority," and by
18 that name the authority may sue and be sued, plead and be
19 impleaded, contract and be contracted with, and have an
20 official seal. The authority is hereby constituted an agency
21 of the city, and exercise by the authority of the powers
22 conferred by this act shall be deemed and held to be an
23 essential municipal function of the city. The authority shall
24 consist of seven members who shall be elected or appointed as
25 follows: one member shall be the mayor of the City of ~~an~~
26 ~~incumbent member of the Orlando City Council, who may be the~~
27 ~~mayor commissioner or any other commissioner elected by a~~
28 ~~majority vote of such council;~~ one member shall be the
29 chairman ~~an incumbent member~~ of the Board of County
30 Commissioners of Orange County, Florida, ~~who may be the~~
31 ~~chairman or any other commissioner elected by a majority vote~~

1 ~~of such commission~~; and five members shall be appointed by the
2 Governor, subject to confirmation by the Senate. Three members
3 appointed by the Governor shall be residents and electors of
4 Orange County, Florida; one member appointed by the Governor
5 shall be a resident and elector of Osceola County, Florida,
6 ~~effective April 1992~~; and, one member appointed by the
7 Governor shall be a resident and elector of Orange County,
8 Florida, or Seminole County, Florida. All seven members shall
9 be entitled to an equal voice and vote on all matters relating
10 to the authority and its business. Two of the five appointed
11 members initially appointed by the Governor shall be appointed
12 for a term of 2 years and three members shall be appointed for
13 a term of four years, the term of each member so appointed to
14 be designated by the Governor at the time of the appointment.
15 All subsequent appointments shall be for a term of 4 years.
16 The member of the city council and the member of the county
17 commission shall be elected for a term of two years each;
18 provided, however, that any such commissioner's term shall end
19 at such time as he may cease to be a city or county
20 commissioner, at which time a successor or successors shall be
21 elected for any unexpired term. The terms of all members
22 shall end at the expiration of their terms or as otherwise
23 herein specified.

24 Section 22. Section 337.408, Florida Statutes, is
25 amended to read:

26 337.408 Regulation of benches, transit shelters,
27 street light poles, ~~and~~ waste disposal receptacles, and
28 modular news racks within rights-of-way.--

29 (1) Benches or transit shelters, including advertising
30 displayed on benches or transit shelters, may be installed
31 within the right-of-way limits of any municipal, county, or

1 state road, except a limited access highway, ~~+~~ provided that
2 such benches or transit shelters are for the comfort or
3 convenience of the general public, ~~7~~ or are at designated stops
4 on official bus routes, ~~+~~ and, ~~7~~ provided ~~further,~~ that written
5 authorization has been given to a qualified private supplier
6 of such service by the municipal government within whose
7 incorporated limits such benches or transit shelters are
8 installed, ~~7~~ or by the county government within whose
9 unincorporated limits such benches or transit shelters are
10 installed. A municipality or county may authorize the
11 installation, without public bid, of benches and transit
12 shelters together with advertising displayed thereon, ~~7~~ within
13 the right-of-way limits of such roads. Any contract for the
14 installation of benches or transit shelters or advertising on
15 benches or transit shelters which was entered into before
16 April 8, 1992, without public bidding, ~~7~~ is ratified and
17 affirmed. Such benches or transit shelters may not interfere
18 with right-of-way preservation and maintenance. Any bench or
19 transit shelter located on a sidewalk within the right-of-way
20 limits of any road on the State Highway System or the county
21 road system shall be located so as to leave at least 36 inches
22 of clearance for pedestrians and persons in wheelchairs. Such
23 clearance shall be measured in a direction perpendicular to
24 the centerline of the road.

25 (2) Waste disposal receptacles of less than 110
26 gallons in capacity, including advertising displayed on such
27 waste disposal receptacles, may be installed within the
28 right-of-way limits of any municipal, county, or state road,
29 except a limited access highway, ~~+~~ provided that written
30 authorization has been given to a qualified private supplier
31 of such service by the appropriate municipal or county

1 government. A municipality or county may authorize the
2 installation, without public bid, of waste disposal
3 receptacles together with advertising displayed thereon within
4 the right-of-way limits of such roads. Such waste disposal
5 receptacles may not interfere with right-of-way preservation
6 and maintenance.

7 (3) Modular news racks, including advertising thereon,
8 may be located within the right-of-way limits of any
9 municipal, county, or state road, except a limited access
10 highway, provided the municipal government within whose
11 incorporated limits such racks are installed or the county
12 government within whose unincorporated limits such racks are
13 installed has passed an ordinance regulating the placement of
14 modular news racks within the right-of-way and has authorized
15 a qualified private supplier of modular news racks to provide
16 such service. The modular news rack or advertising thereon
17 shall not exceed a height of 56 inches or a total advertising
18 space of 56 square feet. No later than 45 days prior to
19 installation of modular news racks, the private supplier shall
20 provide a map of proposed locations and typical installation
21 plans to the department for approval. If the department does
22 not respond within 45 days after receipt of the submitted
23 plans, installation may proceed.

24 (4)(3) The department has the authority to direct the
25 immediate relocation or removal of any bench, transit shelter,
26 ~~or~~ waste disposal receptacle, or modular news rack which
27 endangers life or property, except that transit bus benches
28 which have been placed in service prior to April 1, 1992, are
29 not required ~~do not have~~ to comply with bench size and
30 advertising display size requirements which have been
31 established by the department prior to March 1, 1992. Any

1 transit bus bench that was in service prior to April 1, 1992,
2 may be replaced with a bus bench of the same size or smaller,
3 if the bench is damaged or destroyed or otherwise becomes
4 unusable. The department is authorized to adopt ~~promulgate~~
5 rules relating to the regulation of bench size and advertising
6 display size requirements. ~~However,~~ If a municipality or
7 county within which a bench is to be located has adopted an
8 ordinance or other applicable regulation that establishes
9 bench size or advertising display sign requirements different
10 from requirements specified in department rule, ~~then~~ the local
11 government requirement shall be applicable within the
12 respective municipality or county. Placement of any bench or
13 advertising display on the National Highway System under a
14 local ordinance or regulation adopted pursuant to this
15 subsection shall be subject to approval of the Federal Highway
16 Administration.

17 ~~(5)(4)~~ No bench, transit shelter, ~~or~~ waste disposal
18 receptacle, or modular news rack, or advertising thereon,
19 shall be erected or so placed on the right-of-way of any road
20 which conflicts with the requirements of federal law,
21 regulations, or safety standards, thereby causing the state or
22 any political subdivision the loss of federal funds.
23 Competition among persons seeking to provide bench, transit
24 shelter, ~~or~~ waste disposal receptacle, or modular news rack
25 services or advertising on such benches, shelters, ~~or~~
26 receptacles, or news racks may be regulated, restricted, or
27 denied by the appropriate local government entity consistent
28 with the provisions of this section.

29 ~~(6)(5)~~ Street light poles, including attached public
30 service messages and advertisements, may be located within the
31 right-of-way limits of municipal and county roads in the same

1 manner as benches, transit shelters, ~~and~~ waste disposal
2 receptacles, and modular news racks as provided in this
3 section and in accordance with municipal and county
4 ordinances. Public service messages and advertisements may be
5 installed on street light poles on roads on the State Highway
6 System in accordance with height, size, setback, spacing
7 distance, duration of display, safety, traffic control, and
8 permitting requirements established by administrative rule of
9 the Department of Transportation. Public service messages and
10 advertisements shall be subject to bilateral agreements, where
11 applicable, to be negotiated with the owner of the street
12 light poles, which shall consider, among other things, power
13 source rates, design, safety, operational and maintenance
14 concerns, and other matters of public importance. For the
15 purposes of this section, the term "street light poles" does
16 not include electric transmission or distribution poles. The
17 department shall have authority to ~~adopt~~establish
18 ~~administrative~~ rules pursuant to ss. 120.536(1) and 120.54 to
19 implement the provisions of this section ~~subsection~~. No
20 advertising on light poles shall be permitted on the
21 Interstate Highway System. No permanent structures carrying
22 advertisements attached to light poles shall be permitted on
23 the National Highway System.

24 ~~(7)(6)~~ Wherever the provisions of this section are
25 inconsistent with other provisions of this chapter or with the
26 provisions of chapter 125, chapter 335, chapter 336, or
27 chapter 479, the provisions of this section shall prevail.

28 Section 23. Paragraph (m) of subsection (2) of section
29 348.0004, Florida Statutes, is repealed.

30 Section 24. Subsection (9) is added to section
31 348.0004, Florida Statutes, to read:

1 348.0004 Purposes and powers.--

2 (9) The Legislature declares that there is a public
3 need for rapid construction of safe and efficient
4 transportation facilities for travel within the state and that
5 it is in the public's interest to provide for public-private
6 partnership agreements to effectuate the construction of
7 additional safe, convenient, and economical transportation
8 facilities.

9 (a) Notwithstanding any other provision of the Florida
10 Expressway Authority Act, any expressway authority may receive
11 or solicit proposals and enter into agreements with private
12 entities, or consortia thereof, for the building, operation,
13 ownership, or financing of expressway authority transportation
14 facilities or new transportation facilities within the
15 jurisdiction of the expressway authority. An expressway
16 authority is authorized to adopt rules to implement this
17 subsection and shall, by rule, establish an application fee
18 for the submission of unsolicited proposals under this
19 subsection. The fee must be sufficient to pay the costs of
20 evaluating the proposals. An expressway authority may engage
21 private consultants to assist in the evaluation. Before
22 approval, an expressway authority must determine that a
23 proposed project:

24 1. Is in the public's best interest.

25 2. Would not require state funds to be used unless the
26 project is on or provides increased mobility on the State
27 Highway System.

28 3. Would have adequate safeguards to ensure that no
29 additional costs or service disruptions would be realized by
30 the traveling public and citizens of the state in the event of
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1 default or the cancellation of the agreement by the expressway
2 authority.

3 (b) An expressway authority shall ensure that all
4 reasonable costs to the state, related to transportation
5 facilities that are not part of the State Highway System, are
6 borne by the private entity. An expressway authority shall
7 also ensure that all reasonable costs to the state and
8 substantially affected local governments and utilities related
9 to the private transportation facility are borne by the
10 private entity for transportation facilities that are owned by
11 private entities. For projects on the State Highway System,
12 the department may use state resources to participate in
13 funding and financing the project as provided for under the
14 department's enabling legislation.

15 (c) The expressway authority may request proposals for
16 public-private transportation projects or, if it receives an
17 unsolicited proposal, it must publish a notice in the Florida
18 Administrative Weekly and a newspaper of general circulation
19 in the county in which it is located at least once a week for
20 2 weeks, stating that it has received the proposal and will
21 accept, for 60 days after the initial date of publication,
22 other proposals for the same project purpose. A copy of the
23 notice must be mailed to each local government in the affected
24 areas. After the public notification period has expired, the
25 expressway authority shall rank the proposals in order of
26 preference. In ranking the proposals, the expressway authority
27 shall consider professional qualifications, general business
28 terms, innovative engineering or cost-reduction terms, finance
29 plans, and the need for state funds to deliver the proposal.
30 If the expressway authority is not satisfied with the results
31 of the negotiations, it may, at its sole discretion, terminate

1 negotiations with the proposer. If these negotiations are
2 unsuccessful, the expressway authority may go to the second
3 and lower-ranked firms, in order, using the same procedure. If
4 only one proposal is received, the expressway authority may
5 negotiate in good faith, and if it is not satisfied with the
6 results, it may, at its sole discretion, terminate
7 negotiations with the proposer. Notwithstanding this
8 paragraph, the expressway authority may, at its discretion,
9 reject all proposals at any point in the process up to
10 completion of a contract with the proposer.

11 (d) The department may lend funds from the Toll
12 Facilities Revolving Trust Fund, as outlined in s. 338.251, to
13 public-private partnerships. To be eligible a private entity
14 must comply with s. 338.251 and must provide an indication
15 from a nationally recognized rating agency that the senior
16 bonds for the project will be investment grade or must provide
17 credit support, such as a letter of credit or other means
18 acceptable to the department, to ensure that the loans will be
19 fully repaid.

20 (e) Agreements entered into pursuant to this
21 subsection may authorize the public-private entity to impose
22 tolls or fares for the use of the facility. However, the
23 amount and use of toll or fare revenues shall be regulated by
24 the expressway authority to avoid unreasonable costs to users
25 of the facility.

26 (f) Each public-private transportation facility
27 constructed pursuant to this subsection shall comply with all
28 requirements of federal, state, and local laws; state,
29 regional, and local comprehensive plans; the expressway
30 authority's rules, policies, procedures, and standards for
31 transportation facilities; and any other conditions that the

1 expressway authority determines to be in the public's best
2 interest.

3 (g) An expressway authority may exercise any power
4 possessed by it, including eminent domain, to facilitate the
5 development and construction of transportation projects
6 pursuant to this subsection. An expressway authority may pay
7 all or part of the cost of operating and maintaining the
8 facility or may provide services to the private entity for
9 which it receives full or partial reimbursement for services
10 rendered.

11 (h) Except as herein provided, this subsection is not
12 intended to amend existing laws by granting additional powers
13 to or further restricting the governmental entities from
14 regulating and entering into cooperative arrangements with the
15 private sector for the planning, construction, and operation
16 of transportation facilities.

17 Section 25. Subsection (2) of section 2 of chapter
18 88-418, Laws of Florida, as amended by section 99 of chapter
19 2002-20, Laws of Florida, is amended to read:

20 Section 2. Crandon Boulevard is hereby designated as a
21 state historic highway. No public funds shall be expended
22 for:

23 (2) The alteration of the physical dimensions or
24 location of Crandon Boulevard, the median strip thereof, or
25 the land adjacent thereto, except for:

26 (a) The routine or emergency utilities maintenance
27 activities necessitated to maintain the road as a utility
28 corridor serving the village of Key Biscayne; ~~or~~

29 (b) The modification or improvements made to provide
30 for vehicular ingress and egress of governmental public safety
31 vehicles; or-

1 (c) Alterations, modifications, or improvements made
2 for the purpose of enhancing life safety vehicular use or
3 pedestrian use of Crandon Boulevard, or both, so long as such
4 alterations, modifications, or improvements are heard in a
5 public hearing and subsequently approved by the Village
6 Council of the Village of Key Biscayne.

7 Section 26. This act shall take effect upon becoming a
8 law.

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